REMARKS

Claims 1 – 5 are pending.

The Examiner has rejected claims 1 – 5 as being allegedly anticipated under 35 U.S.C. 102(b) by International Patent Applications Nos. WO 0129042, WO 0129041, WO 9961444 and U.S. Patent No. 6,150,373. The Examiner asserts that each of these references "teaches the exact compounds." Applicants respectfully disagree.

To anticipate a claim, a single source must contain all the elements of the claim. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 224 U.S.Q. 409, 211 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. See *Structural Rubber Prods. Co. v. Park Rubber Co.*, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Applicants respectfully note that none of the above-identified references contain a single compound having each and every limitation of Applicants' claims, notably, none of the identified references contain a core pyrimidopyrimidine having the particular substitution pattern as identified in claim 1. Applicants in particular note that claim 1 states that "R_2 is H, Cl or F; R_3 is H, Cl or F, *with the proviso that at least one of R_2 or R_3 is F;* . . . R_5 is $-OCH_3$, or $-OCH_2CH_3$. . ." (italics added). Upon a cursory review of the references, Applicants note that WO 0129041, WO 0129042 and US 6,150,373 all fail to disclose an OR group, among other things, at the corresponding R_5 position. Applicants furthermore note that the Examiner refers to language in the abstracts of each reference as evidence of anticipation. The abstracts of each reference provide general variables as to the range of compounds but do not provide specific embodiments. The reference must "clearly and unequivocally disclose the claimed compound or direct those skilled in the art to the compound without any need for picking, choosing and combining various disclosures. . . " *in re Arkley*, 172 U.S.P.Q. 524, 526 (C.C.P.A. 1972). Without a single compound in a single reference which embodies all of the limitations of a claim, there can be no anticipation.

The Examiner furthermore has rejected claims 1 – 5 as being allegedly obvious under 35 U.S.C. 103(a) by the same above-identified references as cited above. Applicants again respectfully disagree.

"Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." *In re Napier*, 34 U.S.P.Q.2d 1782, 1784 (Fed. Cir. 1995). The Examiner refers to the abstracts of each reference as providing evidence of obviousness but fails to indicate where the motivation is derived and how the references are to be combined . The abstracts do not provide any motivation or suggestion to arrive at the particular pyrimidopyrimidine core of the present invention. By picking and choosing among general variables within the abstracts, the

Examiner has engaged in inappropriate hindsight analysis, "Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references," *In re Dembiczak*, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999).

Applicants respectfully submit that the application is in condition for allowance. Should there be any issues that have not been addressed to the Examiner's satisfaction, Applicants invite the Examiner to contact the undersigned attorney.

If any fees other than those submitted herewith are due in connection with this response, including the fee for any required extension of time (for which Applicants hereby petition), please charge such fees to Deposit Account No. 500329.

Respectfully submitted,

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